

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

In re: MOHAMED A. EL REFAIE Debtor.)))))))	Case No. 20-12583KHK Chapter 11
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MOTION FOR RULE 2004 EXAMINATION

Comes now, H. Jason Gold, the Chapter 7 Trustee (“Trustee”), by and through undersigned counsel, pursuant to Bankruptcy Rule 2004(a), and hereby moves this Court for the entry of an Order directing Café Concepts LLC, Bank of America N.A., Wells Fargo N.A., and Radloff & Schmitz, PLLC to produce documents to the Trustee for inspection and copying, and for reasons states as follows:

Background

1. On November 23, 2020, Mohamed A. El Rafaei (“Debtor”) filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Bankruptcy Code (the “Bankruptcy Code”).
2. On August 2, 2022, this Court entered an Order Approving Appointment of H. Jason Gold as Chapter 11 Trustee.
3. On August 17, 2022, this Court entered an Order Granting a Motion to Convert Case to Chapter 7. H. Jason Gold was appointed Chapter 7 Trustee.
4. The Trustee now is investigating the existence, nature and extent of assets, and whether there have been an avoidable transfers.

Café Concepts LLC

5. The Debtor has testified that he is a member of Café Concepts LLC with a 50% ownership interest.

6. Creditor Anis Rhamine, who is the other member of Café Concepts LLC, testified that the Debtor is a member of Café Concepts LLC, but amount of his ownership interest is unknown.

7. Creditor Rhamine further testified that the Debtor invested that the Debtor invested \$32,000 in Café Concepts LLC before declaring bankruptcy, and \$196,261 of the Estate's assets in Café Concepts LLC post-bankruptcy.

8. Creditor Rhamine further testified that Café Concepts LLC owes Design 2 Build LLC, which the Debtor is the sole member of and which is the Debtor's alter ego, an unquantified amount of money. That money is property of the Estate.

9. The Debtor has testified that Café Concepts LLC's lease has been terminated.

10. To investigate the value of the Debtor's interest in Café Concepts LLC and its assets, and whether there were any avoidable transfers to Café Concepts LLC, the Trustee asks that the Court order Café Concepts LLC to produce to the Trustee the following documents:

- a. Café Concepts LLC's operating agreement;
- b. Café Concepts LLC's monthly savings, checking, and/or credit card account statements from the date that Café Concepts LLC opened any accounts to the present;
- c. Any and all documents relating to Café Concepts LLC's purchase of any equipment, supplies or materials, including but not limited to receipts, purchase orders, and/or invoices;

- d. Any and all documents relating to Café Concepts LLC's purchases of any services, including but not limited to contracts, invoices, estimates, and/or work orders;
- e. Any and all documents relating to rent payments made by or on behalf of Café Concepts LLC;
- f. Any and all documents relating to Café Concepts LLC's lease or the termination thereof;
- g. Any and all documents related to or serving as the basis for Exhibits F and G that Rhamine testified about at the evidentiary hearing on the motion to appoint Chapter 11 Trustee on November 17, 2021; and
- h. Any and all documents relating to work performed by Design 2 Build, LLC for Café Concepts LLC.

Bank of America, N.A.

11. The Debtor is the sole member of two entities called Design 2 Build LLC and Socialize America LLC. Those entities are the Debtor's alter egos.

12. The Debtor has continued to operate Design 2 Build LLC during his bankruptcy, and pay personal expenses from Design 2 Build LLC's accounts.

13. Socialize America, LLC is a shell entity that the Debtor used to open a bank account to conceal funds. The Debtor claims that he has not used the Socialize America, LLC account since declaring bankruptcy, but the Trustee would like to verify the same.

14. The Debtor, Design 2 Build LLC and Socialize America LLC have or do maintain savings, checking, and/or credit card accounts at Bank of America.

15. Anis Rhamine testified that Café Concepts, LLC maintains its accounts at Bank of America, and that he maintains his personal accounts there.

16. The Trustee would like to investigate whether the Debtor has used any accounts in the name of his wife, Omnia Moustafa, to conceal funds.

17. The Trustee would like to investigate the nature and extent of the Debtor's assets, whether the Debtor has concealed any assets, and whether the Debtor has made any post-petition avoidable transfers.

18. Rhamine testified that he used the bank account for a business entity called District Cafes LLC to engage in transfers with the Debtor, including a voidable transfer in December 2019.

19. Accordingly, the Trustee asks that the Court order Bank of America, N.A. to produce to the Trustee the following documents:

- a. Any and all monthly savings, checking, and/or credit card account statements from November 2019 to the present including check images for accounts in the name of any of the following entities or individuals:
 - i. Omnia Moustafa;
 - ii. Anis Rhamine a/k/a Anis Rhanime
 - iii. Café Concepts, LLC; and/or
 - iv. District Cafes LLC.
- b. Any and all monthly savings, checking, and/or credit card account statements from November 2015 to the present including check images for accounts in the name of any of the following entities or individuals:
 - i. Mohamed A. El Refaie a/k/a Mohamed A. El Rafaei a/k/a Mohamed A Elrafaei;

- ii. Design 2 Build LLC; and/or
- iii. Socialize America LLC.

Wells Fargo, N.A.

20. In the past, the Debtor has maintained checking, savings, and/or credit card accounts personally and/or for his various business entities at Wells Fargo, N.A.

21. The Trustee would like to investigate whether the Debtor has made any post-petition avoidable transfers.

22. Accordingly, the Trustee asks that the Court order Wells Fargo, N.A. to produce to the Trustee the following documents:

- a. Any and all monthly savings, checking, and/or credit card account statements from November 2019 to the present including check images for accounts in the name of Omnia Moustafa; and
- b. Any and all monthly savings, checking, and/or credit card account statements from November 2015 to the present including check images for accounts in the name of any of the following entities or individuals:
 - i. Mohamed A. El Refaie a/k/a Mohamed A. El Rafaei a/k/a Mohamed A Elrafaei a/k/a;
 - ii. Design 2 Build LLC; and
 - iii. Socialize America LLC

Radloff & Schmitz, PLLC

23. Undersigned counsel received a tip that Radloff & Schmitz, PLLC, which is an accounting firm located at 10134 Colvin Run Road, Great Falls, Virginia 22066, was involved in

resolving some dispute involving the Debtor and the Debtor's uncle, Said Shehata, who also was a party to an avoidable transfer.

24. The Trustee would like to investigate the validity of that tip and the dispute to see if there are additional assets or avoidable transfers that can be pursued.

25. Accordingly, the Trustee asks that the Court order Radloff & Schmitz, PLLC to produce to the Trustee any and all documents relating to Said Shehata and/or Mohamed A. El Refaie a/k/a Mohamed A. El Rafaei a/k/a Mohamed A Elrafaei, Design 2 Build, LLC, and/or Socialize America, LLC.

Conclusion

26. For the reasons stated above, the Trustee requests an opportunity to examine the foregoing documents to:

- a. Determine whether there are avoidance actions which can be pursued for the benefit of the Estate;
- b. Determine whether there are assets of value that can be liquidated for the benefit of creditors; and
- c. Determine whether there is a basis to object to the claims of any creditors.

WHEREFORE, the Chapter 7 Trustee, H. Jason Gold, respectfully requests that this Court enter an Order:

- a. Requiring the Café Concepts LLC, Radloff & Schmitz, PLLC, Bank of America, N.A., and Wells Fargo, N.A. to produce to the Trustee, for inspection and copying, within twenty-one (21) days from the entry of the Order granting this Motion, the documents listed above; and
- b. Granting such other and further relief as the nature of this case may require.

Respectfully submitted,

/s/ Charles B. Peoples

THOMAS, THOMAS & HAFFER, LLP

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Counsel for Chapter 7 Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

In re:)	
)	
MOHAMED A. EL REFAIE)	
)	
Debtor.)	Case No. 20-12583KHK
)	Chapter 11
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PROPOSED ORDER

HAVING CONSIDERED, H. Jason Gold, the Chapter 7 Trustee's ("Trustee") Motion for Rule 2004 Examination, IT IS HEREY ORDERED, that the Motion is GRANTED, and that the following entities shall produce the following documents to counsel for the Chapter 7 Trustee, H. Jason Gold, Charles B. Peoples, Esquire, Thomas, Thomas & Hafer, LLP, 1025 Connecticut Ave., NW, Ste. 608, Washington, DC 20036, cpeoples@tthlaw.com, 202-945-9501, within 21 days of the date of this Order the following documents:

1. Café Concepts LLC shall produce to the Trustee the following documents:
 - a. Café Concepts LLC's operating agreement;
 - b. Café Concepts LLC's monthly savings, checking, and/or credit card account statements from the date that Café Concepts LLC opened any accounts to the present;
 - c. Any and all documents relating to Café Concepts LLC's purchase of any equipment, supplies or materials, including but not limited to receipts, purchase orders, and/or invoices;
 - d. Any and all documents relating to Café Concepts LLC's purchases of any services, including but not limited to contracts, invoices, estimates, and/or work orders;
 - e. Any and all documents relating to rent payments made by or on behalf of Café Concepts LLC;

- f. Any and all documents relating to Café Concepts LLC's lease or the termination thereof;
 - g. Any and all documents related to or serving as the basis for Exhibits F and G that Rhamine testified about at the evidentiary hearing on the motion to appoint Chapter 11 Trustee on November 17, 2021; and
 - h. Any and all documents relating to work performed by Design 2 Build, LLC for Café Concepts LLC.
2. Bank of America, N.A. shall produce to the Trustee the following documents:
- a. Any and all monthly savings, checking, and/or credit card account statements from November 2019 to the present including check images for accounts in the name of any of the following entities or individuals:
 - i. Omnia Moustafa;
 - ii. Anis Rhamine a/k/a Anis Rhanime
 - iii. Café Concepts, LLC; and/or
 - iv. District Cafes LLC.
 - b. Any and all monthly savings, checking, and/or credit card account statements from November 2015 to the present including check images for accounts in the name of any of the following entities or individuals:
 - i. Mohamed A. El Refaie a/k/a Mohamed A. El Rafaei a/k/a Mohamed A Elrafaei;
 - ii. Design 2 Build LLC; and/or
 - iii. Socialize America LLC.
3. Wells Fargo, N.A. shall produce to the Trustee the following documents:

- a. Any and all monthly savings, checking, and/or credit card account statements from November 2019 to the present including check images for accounts in the name of Omnia Moustafa; and
 - b. Any and all monthly savings, checking, and/or credit card account statements from November 2015 to the present including check images for accounts in the name of any of the following entities or individuals:
 - i. Mohamed A. El Refaie a/k/a Mohamed A. El Rafaei a/k/a Mohamed A Elrafaei a/k/a;
 - ii. Design 2 Build LLC; and
 - iii. Socialize America LLC
4. Radloff & Schmitz, PLLC shall produce to the Trustee any and all documents relating to Said Shehata and/or Mohamed A. El Refaie a/k/a Mohamed A. El Rafaei a/k/a Mohamed A Elrafaei, Design 2 Build, LLC, and/or Socialize America, LLC.

Date

The Honorable Klinette H. Kindred
United States Bankruptcy Judge

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY on this 8th day of December, 2022, that the foregoing Motion for Rule 2004 Examination and Proposed Order was served on the following via first class mail postage prepaid:

Mohamed A. El Rafaei
9203 Old Courthouse Rd.
Vienna, VA 22182
Debtor

Jack Frankel
Office of the U.S. Trustee
1725 Duke Street, Suite 650
Alexandria, VA 22314
Counsel for the U.S. Trustee

/s/ Charles B. Peoples
THOMAS, THOMAS & HAFFER, LLP
Charles B. Peoples, Esquire, VB No. 89981

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